

STATEMENT [L] [SEP]

UPR Pre-session on Kazakhstan



Geneva, October 10, 2019

Delivered by: Kazakhstan International Bureau for Human Rights and the Rule of Law – Coordinator of the Kazakhstani NGOs Coalition on UPR

Results of the general assessment of the implementation of the recommendations

The Kazakhstani NGO Coalition on UPR obtained the following results on 147 recommendations (51 were rejected):

- 10 recommendations were fully implemented;
- 103 recommendations were partially implemented (in process);
- 33 recommendations were not implemented.

(1) general issues

Despite the consistent recommendations of the members of the UN HRC Kazakhstan has not acceded or ratified:

- the Second Optional Protocol to the ICCPR aimed at abolishing the death penalty (by retaining the death penalty in the Constitution and criminal law),
- the Optional Protocol to the ICESCR,
- the Convention relating to the Status of Stateless Persons,
- the Convention on the Reduction of Statelessness,
- the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families,
- the Optional Protocol to the Convention on the Rights of the Child dealing with the communication procedure,
- the Optional Protocol to the UN Convention on the Rights of Persons with Disabilities and the Rome Statute of the International Criminal Court.

We urge the State to ratify the said international human rights treaties.

(1) general issues

Despite the UNHCR's calls for decisive measures to reduce statelessness, the Republic of Kazakhstan has not only failed to accede the Convention relating to the Status of Stateless Persons and the Convention on the Reduction of Statelessness, but has adopted legislative provisions that contribute to statelessness, as citizens of Kazakhstan deprived of citizenship will become stateless persons.

We urge the State to repeal national legislation promoting statelessness.

(2) free and fair elections

The situation with the right to participate in governing own country and to the fair free elections continues to be unsatisfactory. The political opposition is represented neither in the Parliament nor in local representative bodies. The opposition does not have effective access to nationwide media either. Election commissions at all levels do not appear to be independent, and the procedures for counting and announcing vote results are criticized fairly. For the entire time of observation, neither the local independent observers, nor election observation missions of the OSCE and the European Union recognized either the elections of the President of the Republic of Kazakhstan, or parliamentary or local elections as meeting the international standards for free and fair elections, including the presidential elections held in June 2019 in the Republic of Kazakhstan.

We urge the State to bring the national election legislation, including laws on political parties and the media and the law enforcement practices, in line with the international standards, including the 1990 OSCE Copenhagen Document.

(3) freedom of assembly and association

We urge the State to bring legislation and enforcement practice in the area of ensuring the right of freedom to association into line with the international standards of human rights and freedoms which establish the human right to form or join associations, unions, associations, including Articles 19, 22 and 25 of the International Covenant on Civil and Political Rights, including those of an informal nature, as well as to revise the legislation on trade unions and bring the same into line with the international standards, recommendations of the International Labour Organization and international trade union associations.

(3) freedom of assembly and association

We urge the State to put in place a fundamental reform of the laws on peaceful assembly and change the law-enforcement practices, including the adoption of a new law ensuring the right to freedom of peaceful assembly and consistent with the international standards, in particular with the OSCE Guidelines and the Council of Europe's Venice Commission on Freedom of Assembly, and also with Article 21 of the ICCPR and other legal acts regulating the relationship between the organizers and participants in peaceful assemblies with the authorities, including representatives of law enforcement authorities and implement the recommendations of the UN High Commissioner for Human Rights and the UN Human Rights Committee on the full-scale investigation of the tragic events in Zhanaozen and at Shetpe railway station.

(4) freedom of religion or belief

We urge the State to revise the Law on Religious Activities and Religious Associations and the subordinate legislation adopted thereunder, as well as the law-enforcement practice, in order to bring them into line with the international standards, taking into account the recommendations of the UN Human Rights Committee, experts of the Bureau for Democratic Institutions and Human Rights of the Organization on Security and Cooperation in Europe; and the UN Special Rapporteur on freedom of religion and belief.